

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ROBERT J. HANFLING,
Chapter 7 Trustee of the Bankruptcy
Estates of ATG, Inc. and ATG
Catalytics, LLC,

Plaintiff,

v.

EPSTEIN BECKER & GREEN, P.C.,
et al.,

Defendants.

Civil Action No. 05-10077-RGS

MOTION TO FILE DEPOSITION TESTIMONY UNDER SEAL

Defendant Epstein Becker & Green, P.C. (“EBG”) moves, pursuant to this Court’s Local Rule 7.2(d), for leave to file two pages from the deposition transcript of Carole Schwartz Rendon under seal. EBG relies upon this deposition testimony to support its Motion for Summary Judgment, which is pending before the Court and scheduled for oral argument on November 21, 2006. As grounds for its Motion, EBG states:

1. On May 9, 2006, plaintiff took the deposition of Carole Schwartz Rendon, a lawyer formerly employed by EBG and now practicing in Cleveland, Ohio. In her deposition, Ms. Rendon was asked a number of questions the answer to which required disclosure of communications she had had with firm clients who are not parties to this malpractice litigation and have not waived any rights to confidentiality or applicable privileges. Pursuant to a Confidentiality Stipulation and Protective Order entered in this case, the pages of deposition transcript on which those questions and answers appear have been designated CONFIDENTIAL and are only to be filed with the Court under seal.

2. In briefing its summary judgment motion, EBG relied upon and cited to one of Ms. Rendon's answers that had been designated CONFIDENTIAL. *See* Reply Memorandum in Support of Motion for Summary Judgment, at 15. In its brief, EBG noted that it would seek leave to file this small excerpt under seal, so as to avoid the need to file either the entire Reply Brief or the entire supporting affidavit under seal.

3. Accordingly, EBG now asks that the Court grant leave to file pages 76 and 77 from the transcript of Ms. Rendon's deposition under seal. Pursuant to Rule 7.2(a), EBG proposes that this document remain impounded until the Court rules on the pending Motion for Summary Judgment and that it then be returned to the undersigned counsel for EBG.

EPSTEIN BECKER & GREEN, P.C.

_____/s/ Paula M. Bagger_____
Marjorie Sommer Cooke (BBO # 097800)
Paula M. Bagger (BBO # 547703)
COOKE, CLANCY & GRUENTHAL, LLP
150 Federal Street
Boston, MA 02110
(617) 428-6800

Dated: November 7, 2006

CERTIFICATE OF CONSULTATION PURSUANT TO LOCAL RULE 7.1(A)(2)

I, Paula M. Bagger, hereby certify that on November 3, 2006, I asked counsel for the plaintiff whether he would assent to a motion for leave to file confidential documents under seal. Counsel for the plaintiff replied on November 6, 2006 that he would not assent to this motion.

_____/s/ Paula M. Bagger_____
Paula M. Bagger

CERTIFICATE OF SERVICE

I, Paula M. Bagger, hereby certify that I have this 7th day of November, 2006 served this document on plaintiffs' counsel via the Court's CM/ECF system.

_____/s/ Paula M. Bagger_____
Paula M. Bagger